## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA CHARLOTTE DIVISION

PHYLLIS D. SELLERS,	)
Plaintiff	)
vs	Civil Action No. 3:06-CV-262
MICHAEL J. ASTRUE,	<i>)</i>
COMMISSIONER OF	
SOCIAL SECURITY	)
Defendant	<i>)</i> )

## ORDER ON STIPULATIONS REGARDING PLAINTIFF'S ATTORNEY FEES

Comes now, the undersigned Magistrate Judge of the United States District Court for the Western District of North Carolina, having reviewed the filed Stipulation To Plaintiff's Request for Attorney Fees and Costs under the Equal Access To Justice Act; and,

Said Stipulation agreeing to an award of legal fees in the amount of two thousand five hundred sixty dollar (\$2,560.00) and reimbursement of \$350.00 in costs for the filing fee, payable by the United States Social Security Administration to the plaintiff as full settlement in satisfaction of any and all claims for attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2421(d); and,

Said Stipulation appearing to this court to be fair and reasonable in this case.

## **NOW, THEREFORE**, the Court ORDERS as follows:

1. The Stipulation to EAJA fees and expenses is **ALLOWED**, and that Kevin P. Byrnes, Attorney for the Plaintiff, shall be paid the sum of two thousand five hundred sixty dollars

(\$2,560.00) for attorney's fees directly as an assignee of the Plaintiff and reimbursement of costs in the amount of \$350.00.

- 2. No additional petition pursuant to 28 U.S.C. § 2412(d) shall be filed.
- 3. The Clerk is directed to serve copies of this Order to counsel for the parties.
- 4. The Court having been informed by counsel for the Plaintiff that he waives the further stipulation filed herein, for fees in the amount of \$8,102.25 under 42 U.S.C. §405(b), said Stipulation is hereby **DENIED** and counsel for plaintiff is hereby barred from further request thereunder.

SO ORDERED.

Signed: September 15, 2008

Carl Hom, III

Carl Horn, III

United States Magistrate Judge